

Joint Standing Committee on Agriculture, Conservation and Forestry

PUBLIC 510 An Act Amending the Animal Welfare Laws

LD 1881

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIOTTI	OTP-AM MAJ ONTP MIN	H-774

Public Law 2005, chapter 510 amends the definitions of “animal shelter” and “breeding kennel” used in the animal welfare laws. It repeals the surcharge currently assessed for unneutered cats and dogs sold by a breeding kennel. It specifically authorizes judges to include directives for the care, custody and control of animals when writing protection from abuse orders and designates a violation of such a protection order as contempt.

**PUBLIC 512 An Act To Make Revisions to the Maine Revised Statutes Relating
to Agriculture**

LD 1720

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-805

Public Law 2005, chapter 512, in addition to technical changes and corrections to Title 7, makes the following substantive changes:

1. It repeals the requirement that the Commissioner of Agriculture, Food and Rural Resources provide an opportunity for a hearing when the commissioner becomes cognizant of a violation of any provision in the Maine Revised Statutes, Title 7 or other statutes delegating responsibility to the commissioner or the department;
2. It amends a provision relating to farms purchased by the State for use by the Maine Agricultural Experiment Station to clarify that restrictions on use apply no matter when the farms were or are acquired;
3. It requires that annual reports by the county extension associations be sent to the University of Maine rather than its board of trustees;
4. It specifies that products sold at a farmers' market that are not grown or processed by the person selling the products must be purchased directly from another farmer who grew or processed the products;
5. It enacts a provision for determining origin for products sold at a farmers' market to facilitate enforcement and revises an enforcement provision for determining origin of produce labeled "native";
6. It repeals the definition of the term "drug" and provisions in Title 7 relating to adulteration of drugs and meats. The Maine Pharmacy Act, enacted in 1988, Title 32, chapter 117, establishes the Maine Board of Pharmacy and charges the board with regulation of drugs. The Department of Agriculture, Food and Rural Resources is charged with administering and enforcing provisions pertaining to preparation of meat under Title 22, chapter 562-A;
7. It authorizes the commissioner to have analyses performed at public or private laboratories and repeals specific responsibilities of the Director of the Agricultural Experiment Station relating to analysis;
8. It clarifies ambiguous statutory provisions governing the sale of eggs;

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9. It amends the definition of "product name" and uses the term "product name" to specify feed products to which a registration fee applies;
10. It revises the number of days that apples must be kept under specified conditions to be represented as exposed to "controlled storage" to reflect changes in technology and the industry standards; and
11. It increases the fine for violation of laws pertaining to the disposal of cull potatoes.

PUBLIC 513	An Act To Provide Forest Certification Cost-share Incentives to Forest Landowners and Licensed Foresters	LD 1872
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIOTTI	OTP-AM MAJ OTP-AM MIN	H-798

Public Law 2005, chapter 513 amends the laws governing the certified forest resource manager grant fund in the Department of Conservation, Bureau of Forestry to establish a forest certification incentive cost-share fund. Owners of 1,000 acres or less of forest land and groups of landowners as well as certified resource managers are eligible for reimbursement from the fund. The fund may also be used as reimbursement for recertification costs. It limits the amount of reimbursement received by a group of landowners based on the number of landowners at or below the 1,000-acre ownership threshold.

PUBLIC 514	An Act To Permit Supplemental Environmental Projects for Forest Practices Violations	LD 1863
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLOOD	OTP-AM	H-804

Public Law 2005, chapter 514 allows the Department of Conservation, Bureau of Forestry to incorporate a supplemental environmental project into the settlement of a civil enforcement action for a violation of the forest practices laws administered by the bureau. A "supplemental environmental project" is a project that benefits the public health or the environment and that a violator is not otherwise required or likely to perform.

PUBLIC 550 EMERGENCY	An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to Review of the Department of Conservation	LD 2083
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Public Law 2005, chapter 550 is the committee report of the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to the committee's review of the Department of Conservation under the Government Evaluation Act. It extends authorization for the Bureau of Forestry to study the feasibility of implementing an outcome-based forestry policy by changing the statutory repeal date for these provisions from

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July 1, 2006 to July 1, 2007. It requires the Director of the Bureau of Forestry to report to the joint standing committee of the Legislature having jurisdiction over forestry matters by January 2, 2007 with a recommendation regarding continuing authorization for outcome-based forestry. It authorizes the committee to report out legislation to the 123rd Legislature.

Chapter 550 requires the Director of the Bureau of Parks and Lands within the Department of Conservation to review the bureau's rent structure for leasing submerged lands and to report back to the joint standing committee of the Legislature having jurisdiction over public lands by January 2, 2007.

Public Law 2005, chapter 550 was enacted as an emergency measure effective April 6, 2006.

PUBLIC 553 **An Act To Minimize the Risk to Maine's Marine Waters and** **LD 1657**
EMERGENCY **Organisms Posed by the Application of Pesticides**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERCY	OTP-AM	H-885
DAMON		

Public Law 2005, chapter 553 establishes buffers and restrictions on the application of pesticides to control browntail moths in coastal areas of Cumberland, Sagadahoc and York counties. These provisions are repealed March 31, 2007. Chapter 553 directs the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to monitor certain pesticide applications, complete its assessment of risks and benefits of pesticide applications near coastal waters, and report to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters by January 2, 2007. It authorizes the committee to report out legislation to the 123rd Legislature on pesticide applications in coastal areas.

Public Law 2005, chapter 553 was enacted as an emergency measure effective April 7, 2006.

PUBLIC 559 **An Act To Establish the Maine Agricultural Water Management** **LD 1776**
EMERGENCY **Board and the Sustainable Agricultural Water Source Program**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON	OTP-AM	S-540

Public Law 2005, chapter 559 establishes the Maine Agricultural Water Management Board and the sustainable agricultural water source program. The board's duties include overseeing and coordinating the development of water sources for agricultural use. The board is directed to work with the Department of Environmental Protection in fulfilling its duties. Chapter 559 establishes a process for the development of site specific flow standards and water levels for a water body used as source by agriculture and determination of compliance dates for agricultural users. Chapter 559 details the responsibilities of the board, the Department of Agriculture, Food and Rural Resources, and the Department of Environmental Protection in implementing the sustainable agricultural water source program.

Public Law 2005, chapter 559 was enacted as an emergency measure effective April 10, 2006.

PUBLIC 563 **An Act To Make Revisions to the Maine Revised Statutes Relating** **LD 1985**

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to Agricultural Fairs

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-825 H-928 PIOTTI

Public Law 2005, chapter 563 repeals the Maine Revised Statutes, Title 7, chapter 3, "County and Local Societies," and replaces it with chapter 4, "Agricultural Fairs and Pulling Events." It enacts definitions for this chapter and deletes provisions relating to the Maine State Pomological Society and poultry associations. It establishes the Fair Fund and clarifies provisions for deposit into and distribution from the fund. It requires a fair to be licensed to be eligible to receive a distribution from the Stipend Fund or the Fair Fund. It removes language relating to the licensing of exhibitions that are not agricultural fairs. It amends the provision for requesting a change in fair dates to require a petition to be received a minimum of 90 days prior to the first assigned date. It allows premiums paid on pony pulling and tractor and truck pulling to be included when determining distribution from the Stipend Fund or the Fair Fund. It revises a provision relating to premiums paid on male animals, making a fair licensee ineligible for a stipend if that licensee offers or pays premiums on unaltered male animals over 6 months of age that are not recorded in the books of record for their breed. It restructures and updates other provisions regarding the licensing of agricultural fairs and distribution of funds to the fairs. It restructures and makes technical changes to the laws governing animal pulling events.

PUBLIC 576 **An Act To Amend the Harness Racing Laws Regarding**
EMERGENCY **Distributions from the Fund to Supplement Harness Racing Purses**

LD 2042

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT MAREAN	OTP-AM	S-553

Public Law 2005, chapter 576 authorizes quarterly payments from the Fund to Supplement Harness Racing Purses rather than trimester payments. The first 3 quarterly payments are based on the number of race dashes assigned to a racetrack in proportion to the total number of dashes assigned to all racetracks. Payments in the 4th quarter are adjusted so that total distributions for the year reflect the actual number of dashes raced by a racetrack in proportion to the total actual dashes conducted by all racetracks.

Chapter 576 allows agricultural fair licensees that held an extended meet in 2005 to qualify for distribution from the fund to supplement harness racing purses based on the total number of race dashes conducted. The number of dashes at an extended meet that are counted in calculating distribution, however, may not exceed the number of dashes conducted at the extended meet in 2005.

Public Law 2005, chapter 576 was enacted as an emergency measure effective April 12, 2006.

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PUBLIC 585 **An Act To Implement Recommendations of the Joint Standing
Committee on Agriculture, Conservation and Forestry Regarding
Pesticide Registration**

LD 2065

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-944

Public Law 2005, chapter 585 increases the registration fee for pesticides from \$125 to \$150. Registration fees are deposited in a dedicated revenue account to support the board and its staff in meeting their statutory duties. Chapter 585 also directs the Board of Pesticides Control within the Department of Agriculture, Food and Rural Resources to advertise and conduct collections of obsolete or illegal pesticides in May and October of 2007.

PUBLIC 598 **An Act To Make Adjustments to the Allagash Wilderness
Waterway**

LD 2077

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM MAJ	S-559
JACKSON	ONTP MIN	

Public Law 2005, chapter 598 establishes in statute the locations of motor vehicle access points to the Allagash Wilderness Waterway, requires that there be 19 snowmobile access points to the watercourse and lists the 6 permanent watercourse crossings in the waterway. Chapter 598 prohibits any future construction of bridges at the sites of the former Bissonette Bridge and Schedule Brook Bridge. The Department of Conservation, Bureau of Parks and Lands is directed to identify any person claiming to have the right to construct or maintain a bridge at points within the waterway other than those specified in statute and to make all efforts to acquire those rights on behalf of the State, at which time those rights would be extinguished.

Chapter 598 includes legislative findings of fact that the Henderson Brook Bridge is a vital link to the Town of Allagash and the surrounding areas, providing access for timber harvesting operations, enhancing employment for the residents of the region and providing recreational activities. It directs the Bureau of Parks and Lands to submit its proposed amendments to the 1999 Allagash Wilderness Waterway management plan to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters by January 15, 2007 for review. The bureau may proceed with improvements proposed in the plan that were begun prior to the effective date of this Act, but may not begin any other improvements proposed in the plan until the committee completes its review. Following its review of the plan, the committee is authorized to report out a bill on any matter relating to the management of the Allagash Wilderness Waterway.

Chapter 598 also creates a 15-member commission to study the design for a replacement of the existing Henderson Brook Bridge within the Allagash Wilderness Waterway. The commission is required to submit a preliminary report to the Joint Standing Committee on Agriculture, Conservation and Forestry by November 1, 2006 and to submit its final report by January 15, 2007.

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PUBLIC 614 An Act To Establish a Food Policy for Maine

LD 2107

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	S-629 NUTTING J

Public Law 2005, chapter 614 establishes the Maine Food Policy Council and charges the council with developing and implementing a strategic plan to support a food supply system for Maine. The council is directed to build on the report of the food policy working group convened by the Commissioner of Agriculture, Food and Rural Resources in 2005. It also moves 2 sections in the Maine Revised Statutes, Title 7 relating to food policy into the new subchapter on food policy.

PUBLIC 620 An Act To Make Revisions to the Laws Governing Pesticide Control

LD 1890

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MIN	S-642
	OTP-AM MIN	
	OTP-AM MIN	

Public Law 2005, chapter 620, amends the laws governing pesticides. Many of the changes are technical or organizational changes to make the laws read more clearly or to update language. Chapter 620 amends statutory provisions for registering, canceling or suspending registrations to make the language consistent with the board's actual practices. It revises provisions for pesticides reviews by the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control under the Maine Revised Statutes, Title 7, section 607-A. It directs the board to conduct a minimum of 2 reviews a year. It allows the board to determine the review process and clarifies that the board cannot refuse to renew a registration based solely on its inability to conduct a review. It requires the board to conduct a water residue survey at least once every 6 years.

Chapter 620 designates rules adopted by the Board of Pesticides Control as routine technical rules. The board's rulemaking authority predates January 1, 1996 and rules had not been categorized as either routine technical or major substantive. It requires the Board of Pesticides Control to submit its regulatory agenda each year by January 15th. The legislative committee of jurisdiction is required to review the agenda by February 15th and is authorized to report out legislation designating any rule on the agenda as a major substantive rule.

PUBLIC 638 An Act To Clarify the Laws Governing Agricultural Composting Operations

LD 1064

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WOODCOCK CARR	OTP-AM	S-563

Public Law, chapter 638 enacts definitions of "agricultural composting operation" and "composting" in the statutory provision that declares certain farm operations not to be a nuisance under Title 17, Chapter 91. It includes agricultural composting operations in the definition of "commercial agricultural production" under Title 36, section 2013, allowing these operations to qualify for certain sales tax exemptions.

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P & S 67 **An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to the Seed Potato Board** **LD 2081**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Private and Special Law 2005, chapter 67 appropriates \$30,000 to the Seed Potato Board for equipment needed at the Porter Seed Farm in Masardis.

RESOLVE 173 **Resolve, To Direct the Department of Conservation, Bureau of Parks and Lands To Lease Certain Public Reserved Lands to the Town of Allagash** **LD 934**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM MAJ	H-750
BRYANT B	ONT P MIN	H-907 PIOTTI

Resolve 2005, chapter 173 requires the Director of Parks and Lands, with the approval of the Town of Allagash, to lease the timber rights on 4 public reserved lots in Allagash to the Town.

RESOLVE 193 **Resolve, Authorizing the Department of Conservation, Bureau of Parks and Lands To Convey Certain Lands** **LD 2095**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	H-967 PIOTTI

Resolve 2005, chapter 193 authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to convey certain properties. The transactions authorized were originally included in LD 2015. Several relate to properties abutting recreational trails.

RESOLVE 197 **Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands** **LD 2015**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TARDY	OTP-AM MAJ	H-1000 TRAHAN
NUTTING J	OTP-AM MIN	H-991
	ONT P MIN	S-612 MARTIN

Resolve 2005, chapter 197 authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to convey certain public lots located in Aroostook, Franklin, Penobscot and Washington counties. It makes transfer of the public lots contingent on certain other transactions and assurances including the transfer of approximately 4,040 acres in Township 3, Range 8 to the Baxter State Park Authority and the transfer of

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approximately 1,975 acres in Township 4, Range 8 to the Bureau of Parks and Lands. It specifies that the proceeds from the authorized sale of public lots in Penobscot County go towards purchasing the 1,975 acres in Township 4, Range 8. It requires the Bureau of Parks and Lands to construct and maintain a trail to Katahdin Lake from the east to connect with trails within Baxter State Park.

It requires the Department of Conservation to develop a comprehensive plan for increasing opportunities for snowmobiling in the Katahdin Region and for the Director of the Bureau of Parks and Lands within the Department of Conservation to convene a working group on acquisition of land for multiple uses. It requires the Land for Maine's Future Board to apply proceeds from the land sales in Aroostook, Franklin and Washington Counties to purchase land of a value similar to the parcels conveyed by the State.

Chapter 197 requires the Township of Glenwood Plantation and the Town of LaGrange to transmit an amount equal to the property tax collected on the public lots sold pursuant to Resolve 197 to the Treasurer of State, for deposit into the Organized Townships Fund.

RESOLVE 198 Resolve, Directing the Department of Agriculture, Food and Rural Resources to Conduct Outreach Activities Pertaining to Animal Identification

LD 1853

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIOTTI	OTP-AM MAJ	H-918
	OTP-AM MIN	H-988 PIOTTI

Resolves 2005, chapter 198 directs the Commissioner of Agriculture, Food and Rural Resources to conduct outreach activities to inform members of the agricultural community and the general public about initiatives at the federal and state levels to require animal identification. Meetings must allow time for public comment. The commissioner is required to report to the joint standing committee of the Legislature having jurisdiction over agriculture matters by January 15, 2007 on meetings held and the status of federal initiatives.

It authorizes the Commissioner of Agriculture, Food and Rural Resources to adopt rules pertaining to animal identification and registration if the United States Department of Agriculture or any other federal agency takes action prior to January 1, 2007 to require registration of premises where livestock or poultry is kept or identification of livestock or poultry.